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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 2nd Session, 2022

Bill Number	<u>HB60</u>	Sponsor	<u>Lente</u>
Tracking Number	<u>.221886.1</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Native American Language Certificate Salaries</u>		
Analyst	<u>Estupiñan</u>	Original Date	<u>1/31/2022</u>
		Last Updated	<u>2/7/2022</u>

BILL SUMMARY

Synopsis of Bill

House Bill 60 (HB60) would require the minimum annual salary for an educator holding a Native American language and culture certificate match that of a level 2 licensed teacher. It also clarifies the certificate will be issued based on the criteria established by tribes and pueblos, pursuant to an agreement between the Public Education Department's (PED) agreement and each tribal government.

FISCAL IMPACT

For FY23, the House Appropriations and Finance Committee substitute for House Bill 2 appropriates \$1.25 million from the public education reform fund to increase salaries of teachers holding a Native American language and culture certificate.

According to PED, 99 individuals hold a Native American language and culture certificate, and the department estimates the appropriation in HB60 would be sufficient to match the certificate's salary to that of a current level 2 teacher salary of \$50 thousand. The cost would increase to \$2.6 million if the salaries for these individuals increase to the level 2 minimum salary of \$60 thousand required in the House Appropriations and Finance Committee substitute for House Bill 2.

The fiscal impact report released by the Legislative Finance Committee (LFC) indicates up to 280 teachers currently hold a language and culture certificate. To navigate the disparities in data used by PED and LFC, the fiscal impact report provided a range that estimated a fiscal impact between \$1.9 and \$7.6 million in FY23. The lower of which is based on PED's data of there being only 99 certificate holders while the upper range uses LFC's data showing 280 certificate holders.

Some districts would be disproportionately impacted by HB60, depending on the number of educators holding a language and culture certificate that they employ. For example, according to Zuni Public Schools, the fiscal impact of HB60 on their district would be approximately \$579 thousand. Zuni employs only 31 of the 99 educators holding the license throughout the state. At that rate, total cost for all 99 educators would be \$1.9 million.

Currently, school districts and charter schools receive funding to support Native language programs through the public school funding formula if the school provides Native language education as part of a bilingual multicultural education program. Schools offer bilingual programs in 7 Native American languages. Additionally, school districts and charter schools receiving federal funds through the Impact Aid program may use those funds to support Native language education.

There may be questions as to who qualifies for the increase in compensation provided in HB60. Specifically, whether the increase in compensation applies to all those holding a language and culture certificate or only to those actively using that certificate to teach in a classroom. Clarity may also be needed regarding whether individuals using the license to teach Native languages for a portion of the day at the elementary level would be eligible for the same compensation increase as those teaching full-time at the middle schools and high schools.

SUBSTANTIVE ISSUES

To expand opportunities for Native American students to receive a culturally and linguistically relevant education, the Native American language and culture certificate allows non-degreed individuals to teach in the language and culture of their tribes and pueblos in any grade level. To receive this certification, candidates must meet the standards of competence and language proficiency as determined by each tribe and pueblo, based on an agreement between PED and each tribal government. The department renegotiates these agreements with tribal governments every four years.

Currently, there is inconsistency in the compensation provided to educators holding a Native American language and culture certification. Unlike the three tier salary system used to determine the compensation of licensed teachers, many school districts have differing approaches in determining the compensation of these certificate holders. Many school districts pay Native American language and culture certificate holders as educational assistants, which has lower pay levels than for licensed teachers.

OTHER SIGNIFICANT ISSUES

One key finding in the *Martinez-Yazzie* education sufficiency lawsuit was the insufficient access to a culturally and linguistically relevant education for Native American students. Expanding access to bilingual and multicultural education programs in those communities aligns with the recommendations of the Tribal Remedy Framework; a set of proposals endorsed by all 23 sovereign tribes, pueblos, and nations for addressing the findings in the *Martinez-Yazzie* sufficiency lawsuit. Their recommendations call for a relevant and revitalizing education provided by diverse educators who mirror the identities of their local communities.

Approximately 11 percent of public school students in New Mexico identify as Native American, compared to only three percent of teachers. The Native American language and culture certification expands the number of people who can provide their linguistic and cultural knowledge to public schools in Native American communities. Currently, some individuals with a Native American language and culture certificate are enrolled in “grow-you-own” programs, where educational assistants pursue a bachelor’s degree while working for a school district or charter school. HB60 could dissuade these individuals from pursuing a teaching license because they would already be earning a level 2 teacher’s salary. Receiving a level 1 teaching certificate would come with a reduction in salary. Additionally, teacher preparation programs provide educators

with additional tools to improve practice in the classroom; forgoing a teacher preparation program could impact this professional development.

SOURCES OF INFORMATION

- LESC Files
- LFC
- Public Education Department (PED)

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